

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|-------------------------------|---|-------------------------|
| CROSS ATLANTIC CAPITAL | : | |
| PARTNERS, INC., | : | CIVIL ACTION |
| | : | |
| Plaintiff, | : | NO.: 07-CV-02768 |
| | : | |
| vs. | : | |
| | : | |
| FACEBOOK, INC. and | : | |
| THEFACEBOOK, LLC, | : | |
| | : | |
| Defendants. | : | |

ORDER

AND NOW this _____ day of May, 2008, upon consideration of plaintiff's Motion For Leave to Serve Additional Interrogatories, and the defendants' response thereto, **IT IS HEREBY ORDERED** that plaintiff's motion is **GRANTED**. It is hereby further **ORDERED** that on or before May 21, 2008, defendants will respond to plaintiff's Second Set of Interrogatories.

BY THE COURT:

HON. JOHN R. PADOVA
U.S. District Court Judge

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| PARTNERS, INC., | : | CIVIL ACTION |
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| Plaintiff, | : | NO.: 07-CV-02768 |
| | : | |
| vs. | : | HON. JOHN R. PADOVA |
| | : | |
| FACEBOOK, INC. and | : | |
| THEFACEBOOK, LLC, | : | |
| | : | |
| Defendants. | : | |

**PLAINTIFF'S MOTION FOR LEAVE TO
SERVE ADDITIONAL INTERROGATORIES**

COMES NOW, the plaintiff, Cross Atlantic Capital Partners, Inc. (“XACP”), by and through its undersigned counsel, and, to the extent necessary, hereby moves for leave to serve seven additional interrogatories. In support of this motion, XACP avers as follows:

1. On or about September 17, 2007, plaintiff XACP served its first set of interrogatories directed to defendants Facebook, Inc. and Thefacebook, LLC (collectively, “Facebook”). A copy of Plaintiff Cross Atlantic Capital Partners, Inc.’s First Set of Interrogatories Directed to Defendants is attached hereto as Exhibit A.
2. Plaintiff’s First Set of Interrogatories contained 14 interrogatories, not including discrete sub-parts.
3. On April 21, 2008, concurrent with the filing of the instant motion, plaintiff served Plaintiff’s Second Set of Interrogatories. A copy of Plaintiff’s Second Set of Interrogatories is attached hereto as Exhibit B. These interrogatories were served so as to

require a response prior to the close of fact discovery.

4. Defendants' responses to XACP's Second Set of Interrogatories, which was served *via* hand delivery, are due on or before May 21, 2008.

5. Plaintiff's Second Set of Interrogatories includes Interrogatories Nos. 15 through 21. These interrogatories seek, *inter alia*, additional information regarding topics discovered through the depositions of the defendants and their employees.

6. FED.R.CIV.P. 33(a) provides that without leave of the court, any party may serve upon any other party written interrogatories, not exceeding 25 in number including all discrete sub-parts. Although XACP has only served a total of 21 interrogatories, out of an abundance of caution, and to the extent necessary based upon the number of discrete sub-parts, XACP seeks leave to require defendants to respond to these additional interrogatories.

7. Over the last two business days, plaintiff's counsel attempted to resolve this issue with opposing counsel. The parties were unable to reach an agreement.

WHEREFORE, plaintiff Cross Atlantic Capital Partners, Inc. respectfully requests that this Court grant its motion and order the defendants to provide responses to XACP's Second Set of Interrogatories on or before May 21, 2008.

Respectfully submitted,

/s/ Frederick A. Tecce
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Counsel for plaintiff,
Cross Atlantic Capital Partners, Inc.

Dated: April 21, 2008

CERTIFICATE OF SERVICE

This is to certify that on this 21st day of April 2008, I caused a true and correct copy of the foregoing Plaintiff's Motion For Leave to Serve Additional Interrogatories to be served, *via this Court Electronic Case Filing ("ECF") System*, upon the following:

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Facebook, Inc. and Thefacebook, LLC

/s/ Frederick A. Tecce
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